

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

AARON MCQUITTY,
Plaintiff,

v.

CASE NO: 13-CV-10659-DT

SAVITHRI KAKANI, PA, ET AL.,
Defendants.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION GRANTING DEFENDANTS'
MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT**

This matter was referred to United States Magistrate Mark A. Randon pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his report filed on January 9, 2014, the magistrate judge recommended that this court grant Savithri Kakani, P.A.'s Motion to Dismiss [Dkt # 14] and grant Defendants' Motion for Summary Judgment [Dkt # 16}. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the Report, the court concludes that the findings and conclusions of the magistrate judge are correct and ADOPTS the same for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant Savithri Kakani, P.A.'s Motion to Dismiss is GRANTED and Defendants Janet Campbell and Beth Fritz's Motion for Summary Judgment is GRANTED. McQuitty's constitutional claims are DISMISSED WITH PREJUDICE and his state-law negligence claim is DISMISSED WITHOUT PREJUDICE.

S/Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

¹ The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Dated: February 11, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 11, 2014, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
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